

**BIGFORK LAND USE ADVISORY COMMITTEE**  
**Approved Minutes Thursday August 25, 2022**  
**4:00 PM Bethany Lutheran Church – Downstairs Meeting Room**

Chairwoman Susan Johnson called the meeting to order at 4:03 p.m.

**Present:** Committee member attendees: Richard Michaud, Jerry Sorensen, Shelley Gonzales, Chany Ockert, Susan Johnson, Angela DeFries, and Lou McGuire;  
Public: Six members; Flathead Planning and Zoning: Erin Appert.

The agenda was approved (m/s, Ockert/Sorensen), vote unanimous.

Minutes of the July 28, 2022, meeting were approved (m/s, Sorensen/Ockert ), vote unanimous.

**Administrator's Report and Announcements:**

Sign-in sheet passed around. Approved minutes and documents are posted on the County website: [flathead.mt.gov/planning\\_zoning](http://flathead.mt.gov/planning_zoning). Click on [meeting information](#).

Gonzales presented the following:

The Fort project (Hwy 83) has begun with infrastructure construction in process. The Planning and Zoning website has been updated to list all upcoming county meetings.

West Valley LUAC has updated its Neighborhood Plan with current statistical data, per the Daily Interlake.

**Public Comment:**

Albert and Maggie Logan-208 N. Crestview Terrace, Bigfork. We live in the Crestview/Lake Hills area and the traffic on Hwy 35 is dangerous. It is difficult to get into and out of the Harvest Foods parking lot. We moved to Crestview to be able to walk to services. We offer our services to address the problem.

Sally Janover-570 Grand Drive, Bigfork. Traffic on Grand Drive is too fast; suggests 15 mph. Other than what is in the newspaper, people do not know what is happening in Bigfork.

**Application:**

**FZC-22-06** A request from Michael & Jill Meade for a variance to Section 3.16.040(4) of the Flathead County Zoning Regulations (FCZR), to the maximum height for a detached accessory structure. The subject property is zoned *RC-1* (*Residential Cluster*) and is located at 500 Holt Drive, Bigfork, MT within the Holt Zoning District.

**Staff Report:**

Erin Appert presented the staff report.

Q. Ockert: On public notification, who would have been notified in the 150-foot distance from the subject property? A. Appert: All the property owners in Lake Pointe and Harbor Village. She showed a stack of notifications. The notifications were mailed on August 17<sup>th</sup>.

Q. McGuire: Does it advise the people of the BLUAC meeting. A. Appert: Yes.

Q. Sorensen: Why would the storage unit business be granted a Conditional Use Permit to exceed the height limit in a RC-1 zone. A. Appert: The CUP was granted in 2001 to allow for storage units. It allowed for building height of 35 feet.

Q. Michaud: Do you know what the Homeowner's Association for that area allows? A. Appert: We did not receive comments from them.

Q. Ockert: Are the storage units part of the subdivision or is it separate? A. Appert: It is a separate subdivision.

Q. Sorensen: Could the applicant ask for a SAG-10 zone change then they could do what they want? A. Appert: No, the lot is only 2 acres.

**Applicant Report:**

Michael Meade, property owner, wants to construct a pole building for a workshop and to store his construction equipment prior to constructing a residence. The height restriction would limit the height of the building's doors to less than 10 feet. He discussed the design of the shop for snow loads and the design of the future residence. He stated he could do a smaller workshop building and comply with the zoning height limit.

Q. Ockert: What is the difference between a pole barn and a garage with a foundation? A. Meade: A pole barn does not require footings. Due to the high-water table, footings could be a problem. There will be a foundation. A pole barn costs less to construct.

Q. Ockert: When was a Deed restriction placed on the property? A. Meade: At the sale of the property.

Q. Ockert: Did you receive and read a copy of the Zoning Regulations prior to your purchase of the property? A. Meade: Yes.

Q. Ockert: Why do you not want an attached workshop? A. Meade: I want to have a separate workshop from the future home. The future home will have its own garage.

Q. Sorensen: What will the distance be between the house and the workshop? A. Meade: 30-50 feet.

Q. Sorensen: How far will it be from the workshop to the storage units to the north? A. Meade: 20-25 feet.

Q. Johnson: Is the property part of a subdivision? A. Meade: No it is not.  
Q. Sorensen: Workshop will be on the storage unit side (north)? A. Meade: Yes, to leave view open (south). I recognize that there is a lot of public parking on Holt Drive around this property.  
Q. DeFries: What is the access to the property? A. Meade: There is one driveway.  
Q. Sorensen: Would you consider a Deed Restriction on the property to prohibit future subdivision? A. Meade: Yes, I do not want to subdivide the property.

**Public Agency Comments:**

Julie Spencer of Bigfork Water and Sewer stated that sewer capacity in the area is limited. There could be only one water and sewer line into the property for one building.

Q. Sorensen: Are you aware of the sewer issues? A. Meade: Yes.

Q. Gonzales: By building the shop before the residence, you will not have water/sewer. A. Meade: Without the variance I will have to change the plans. I need a place for my equipment.

Q. Ockert: Does Bigfork Water and Sewer have access to this property? A. Spencer: Meade would need to hook up to the line and the line will cross some common areas of Lake Pointe, and it would not affect anyone's lot.

DeFries inquired about this variance setting a precedent. Sorensen stated that hardship standards are tough to beat.

**Public Comments:**

Dennis McDowell-560 Holt Drive, Bigfork. If a berm is constructed on Holt Drive, where will the entry to his property be located and how will it come off Holt Drive? Where will the workshop be located? The project will make the area nicer, but I am concerned about all the public parking on Holt Drive.

**Staff Reply:**

Appert stated that the property's driveway will need an approach permit.

**Applicant Reply:**

Meade stated that there is an existing driveway that they would use.

Ockert stated that the applicant needs to find out if that approach is acceptable to the county. Meade stated that he has begun fill work on the property to bring it up to grade with the storage units to the north.

Q. McGuire: Is Holt Drive on your property? A. Meade: Yes, and there are utilities in the right-of-way.

**Committee Discussion:**

Sorensen stated that there is a precedent set based on the height of the storage units. There is a hardship to the property owner. Who is being harmed?

Michaud stated the property is suited for development, however building the workshop before the house is like the cart before the horse. This issue is not our problem. The applicant stated there are ways to build the workshop and still comply with the zoning. The driveway could be too close to the nearby bend in Holt Drive.

Sorensen stated that a CUP might have the applicant build the house first. Can a condition be added so the applicant cannot subdivide?

McGuire stated that we need to deal with the law, and we must comply with all the standards; the standards must be met.

Ockert stated that the property owner needs to live with the zoning limitations.

DeFries stated that the buyer understood the zoning limitations on the property prior to the purchase.

**Findings of Fact:**

McGuire moved and Gonzales seconded a motion to approve the nine Findings of Fact. In favor: McGuire, DeFries, Johnson, Ockert, Gonzales, and Michaud.

Opposed: Sorensen.

Motion passed.

**Committee Discussion and Vote:**

Michaud moved and Gonzales seconded a motion to forward to the Board of Adjustment a recommendation to deny FZC-22-06. There was no additional discussion. In favor: McGuire, DeFries, Johnson, Ockert, Gonzales, and Michaud.

Opposed: Sorensen.

Motion passed.

Ockert moved and DeFries seconded a motion to add a condition to FZC-22-06 should the application be approved by the Board of Adjustment as follows:

“A Deed Restriction shall be placed on the property known as 500 Holt Drive, Bigfork, prohibiting further property division.” The motion passed unanimously.

The Board of Adjustment will conduct a public hearing on the proposed zoning variance on September 6, 2022, at 6:00 P.M. in the Second Floor Conference Room of the South Campus Building located at 40 11th Street West in Kalispell, MT.

**Old Business:**Use of emails assigned by Bigfork.org (Bigfork Chamber).

Gonzales proposed that she would keep her contact information on the website and ask the Chamber to remove the contact information of the other committee members. McGuire moved and Sorensen seconded the motion. Motion passed unanimously.

**New Business:**Scope of BLUAC Responsibilities.

BLUAC's By-Laws allow the committee to interact with the Bigfork community on issues of interest and concerns within the county. Sorensen supports having developers come to our meetings to discuss potential projects with the Bigfork community. BLUAC will not make any commitments. Ockert stated that these types of meetings can be a listening session for a developer so they can hear the needs and concerns of community members. We should get an opinion from Planning and Zoning on having listening sessions with the community and developers. Sorensen stated that the Bigfork Neighborhood Plan is not serving us today, that it should be updated, but is not sure how we would do that without any staff. Julie Spencer asked that Bigfork Water and Sewer be included in any meetings regarding development. Sorensen stated when we have New Business items, there should be public comment after each item. Sorensen recommended that the committee begins a review of the Neighborhood Plan to update each section.

Revisions to BLUAC 11-29-2018 By-Laws.

Johnson will draft the revisions and email to the committee members for consideration at the next meeting.

Discuss traffic issues in and around Bigfork.

Michaud will organize and invite all relevant organizations to talk on the traffic issues. The public will be invited to attend.

**Adjourn:**

Ockert moved and Johnson seconded the motion to adjourn. Motion passed unanimously at 6 p.m.

Respectfully submitted,

Shelley Gonzales, member and acting recording secretary